



Attorney Docket No.: FA/221

#19
2-17-03
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hochrein et al.)
Serial No.: 09/401,595)
Filed: September 22, 1999)
For: Cover For Contained Aerobic)
Treatment of Biodegradable Matter)

Group Art Unit: 1771
Examiner: Cheryl Ann Juska

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231 on January 16, 2003

Darlene S. McGrath
Darlene S. McGrath

Honorable Commissioner of
Patents and Trademarks
Washington, DC 20231

January 16, 2003
(date of mailing document)

REQUEST FOR RECONSIDERATION

Dear Sir:

The following comments are provided in response to the Office Action dated July 18, 2002.

REMARKS

Claims 10-12 and 15-17 were rejected in an Office Action dated July 18, 2002. Applicants respectfully request reconsideration of the present application in view of the following remarks.

I. The Claims Are Neither Disclosed Nor Suggested by the Cited References

Claims 10-12 and 15-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stover (U.S. Patent 5,208,098) in view of Hintermeyer (U.S. Patent 4,924,527) and Lyden (U.S. Patent 5,203,793). Applicants respectfully traverse this rejection.

Specifically, it was stated in the Office Action that the previous §102 rejection over Stover '098 in an earlier Office Action had been overcome by the amendment to claim 10, wherein the porous polymeric layer comprises porous polytetrafluoroethylene. However, the present §103 rejection relies on Hintermeyer '527 and Lyden '793 to show that the THINTEC® waterproof, breathable film described in Stover would be an equivalent to GORE-TEX® waterproof, breathable film, a known porous PTFE film sold by applicants.

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Accordingly, it was stated that it would be obvious to substitute a PTFE porous film for the porous polymeric film in Stover.

Applicants submit that the GORE-TEX® waterproof, breathable film described in each of Hintermeyer '527 and Lyden '793 would not function in the present cover for the aerobic treatment of biodegradable material, as the GORE-TEX® waterproof, breathable film is not air permeable. The GORE-TEX® film, as described in Hintermeyer and Lyden, is an expanded PTFE membrane with an air-impermeable coating thereon. Accordingly, neither of these references discloses or suggests a laminate having the claimed air permeability of the present invention. As such, the combination set forth in the Office Action does not disclose or suggest the claimed novel combination of features, and applicants submit that this rejection should be withdrawn.

II. Conclusion

For the foregoing reasons, the present invention as defined by claims 10-12 and 15-17 is neither taught nor suggested by any of the references of record. Accordingly, applicants respectfully submit that these claims are now in form for allowance. If further questions remain, applicants request that the Examiner telephone applicants' undersigned representative before issuing a further Office Action.

Respectfully submitted,

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